

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

JOINT MOTION TO MODIFY PROTECTIVE ORDER

Plaintiff CytoLogix Corporation (“CytoLogix”), and defendant Ventana Medical Systems, Inc. (“Ventana”), jointly move that paragraph 11(b) be deleted and the following paragraphs 25-28 be added to the Protective Order in this action, filed on 28 March 2005 and allowed on 1 December 2005. This motion is in accordance with agreements between CytoLogix and Ventana to allow certain individuals access to information that CytoLogix and Ventana have designated **CONFIDENTIAL INFORMATION** or **RESTRICTED CONFIDENTIAL INFORMATION**.

25. Information that either CytoLogix or Ventana has designated as **CONFIDENTIAL INFORMATION** or **RESTRICTED CONFIDENTIAL INFORMATION** may be disclosed to the following: Dr. Steven A. Bogen, Robert D. Carroll, Esq., Jeffrey N. Danis, Esq., Pieter J. Schiller, Mark E. Tully, Esq., Terry Vance, and outside counsel of record for CytoLogix and Ventana in the civil action entitled CytoLogix Corporation v. Ventana Medical Systems, Inc., Civil Action No. 00-12231-RWZ and 01-10178-RWZ pending in the United

Allowed
Ryan Zabel
BOS-1038604 v1
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States District Court for the District of Massachusetts, including clerical personnel, technical specialists and paralegal assistants regularly employed by outside counsel of record.

26. Each of the persons identified in paragraph 25 other than outside counsel of record and clerical personnel, technical specialists and paralegal assistants regularly employed by outside counsel of record shall execute a written declaration, in the form attached as Exhibit A to the protective order, acknowledging that the person is familiar with the provisions of the Protective Order and will abide by them.

27. Without waiving any objections or other challenges based on admissibility, authenticity, competence, privilege, relevance or any other grounds as to any documents or information, information that either CytoLogix or Ventana has designated as **CONFIDENTIAL INFORMATION** or **RESTRICTED CONFIDENTIAL INFORMATION** in this action may be used for purposes of the preparation, prosecution or trial of the above referenced Civil Action No. 00-12231-RWZ and 01-10178-RWZ.

28. The provisions of paragraph 25-27 shall become effective upon execution by counsel for the parties.

Dated: _____

/s/ Michael E. Zeliger

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IT IS SO ORDERED:

Dated: August 29, 2007

Ryan Zobel
HON. RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE